IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 19188 of 2002

Between:
D.V.SUBRAHMANYAM,
S/o.late D.L.N.Murthy,
Aged about 38 years,
R/o.Venkunaidupeta,
Narsipatnam-531116,
Visakhapatnam Dist.

..... PETITIONER

AND

1 Personnel Officer, Office of the Regional Manager, A.P.Road Transport Corporation,Vishakhapatnam, Region, Visakhapatnam.

2.Andhra Pradesh State Road Transport Corporation,rep. By its Vice-Chairman and Managing Director, Musheerabad,Hyderabad-500020.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction especially one in the nature of Mandamus: declaring the order APSRTC No.P2/684(2)/2002-RM/VSP dated 5-9-2002 issued by the Personnel Officer, office of the Regional Manager APSRTC, Visakhapatnam as illegal,void and without jurisdiction and set aside the same and grant such other relief or reliefs as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.V.JOGAIAH SARMA

Standing Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY

The Court Made the Following :

The petitioner was selected and included in the panel of casual conductors of Vishakapatnam region of the Andhra Pradesh State Road Transport Corporation. He started functioning as a casual conductor since January,2000 occasionally and continued to serve in the said capacity till June,2001. He received the impugned notice dated 5-9-2002 wherein it is recorded that the petitioner's name was deleted from the panel of casual conductors by an office

order dated 27-10-2001 on the ground that by an order dated 8-10-2001 he was advised to report to the Personnel officer of the Regional Manager, APSRTC on 14-10-2001 in view of the strike call given by the JAC but had failed to do so. The petitioner has pleaded that he had never received any letter either dated 8-10-2001 or 27-10-2001 and that the deletion of his name from the panel of casual conductors without any notice and opportunity to him is subversive of fair procedure, which is warranted before visiting any citizen with adverse civil consequences.

In the counter affidavit, the petitioner's plea that the deletion of his name from the panel of casual conductors by the office order dated 27-10-2001 was without notice or opportunity to him, has not been denied expressly or by implication. Responding to the petitioner's contention that the office order dated 27-10-2001 was not communicated to him, the counter affidavit of the respondent would merely state that the order was sent to the petitioner and copies thereof were also exhibited on the depot notice board at Narsipatnam depot and the Regional Manager's Office,Vishakapatnam during the strike period. It is also contended that the deletion of the name of the petitioner from the approved list was as per the instructions of the Vice Chairman and Managing Director,Hyderabad.

Inclusion of a person's name in the approved list of casual conductors entitles such includees to certain benefits of employment though of a temporary or casual nature in a public sector corporation like the APSRTC. This status entitles the petitioner to serve in a public corporation though in a casual capacity and receive monies from such public corporation. As a consequence of inclusion in the approved list, the petitioner derives certain civil benefits. Such benefits cannot be deprived without following the due process of law. The instructions of the Vice Chairman and Managing Director of the APSRTC do not eclipse the constitutional command of the requirement of following the due process of law before inflicting adverse civil consequences on a citizen.

On the above analysis, the impugned order suffers from an incurable vice, beseeches invalidation and is accordingly set-aside. The respondents are however at liberty to act in accordance with the law.

Writ petition is allowed as above. There shall be no order as to costs.

That *Rule Nisi* has been made absolute, as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the 15th day of June, 2004.

//TRUE COPY//

Assistant Registrar

Date:15-06-2004
STP

To
1.Personnel Officer, Office of the
Regional Manager, A.P.Road Transport Corporation,
Vishakhapatnam Region,Visakhapatnam.
2.The Vice Chairman and Managing Director,.Andhra Pradesh State Road Transport Corporation, Musheerabad,Hyderabad-500020

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